IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Misc. App. No. 404 of 2004
In
C 482 No. 379 of 2002

Navneet Gosain & others …… Applicants

Versus

State of Uttaranchal & another ..…… Respondents

Hon'ble P.C. Verma, A.C.J.

This application has been filed by Mr. Lokendra Dobhal, learned counsel for the applicants praying for disposal of this criminal misc. application in terms of compromise dated 16.4.2004.

In the affidavit filed in support of this application, it has been stated that opposite party No. 2 Smt. Amrita Gosain is the wife of applicant No. 1 Navneet Gosain and on 16.4.2004, both of them have entered into a compromise outside the Court, copy of which, is annexed as Annexure 1 to this affidavit.

In the case of B.S. Joshi & others Vs State of Haryana & another reported in 2003 Supreme Court Cases (Cri) 848, it has been held that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 would not be a bar to the exercise of power of quashing. It is, however, a different matter depending upon the facts and circumstances of each case whether to exercise or not such a power. Thus, the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.

Therefore, in view of the above, the charge sheet dated 15.7.2002, charge sheet dated 12.9.2002 and the proceedings of criminal case No. 2126 of 2002 under Sections 498A and 323 I.P.C. and Section ¾ Dowry prohibition Act are hereby quashed.

Accordingly, this criminal misc. Application No. 379 of 2002 is disposed of in the aforesaid terms.

Dt. 14.06.2004 **(P.C. Verma, A.C.J.)**

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